

REMARKS

Claims 1-20 and 22-29 are pending in this application. By this Amendment, claims 1, 2, 4-8, 10-20, 22, 23, 25 and 27 are amended, claim 21 is canceled, and claim 29 is added. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution, including issues discussed during the June 6 personal interview; (c) satisfy a requirement of form asserted in the previous Office Action and during the personal interview; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection and discussed during the personal interview. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicant's representative by Examiners Yu and Le at the interview held June 6, 2005, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Formal Matters

During a prior February 1 personal interview with Examiner Yu, it was agreed that the prior §112 rejection was overcome by our January 6 Amendment. This is confirmed in the March 8 Office Action. However, additional §112 issues were raised during the Feburary 1 interview regarding the "support" feature. It was agreed in a subsequent February 22 telephone conference to remove this unnecessary element and to reorder the elements in

claims 1 and 2 for clarity by defining the container first, then the biochip, and then the attachment means.

Independent claims 1 and 2 are amended consistent with these discussions to clarify the claims. No new matter is added and no new issues are raised by these amendments. Additionally, upon review, Applicants have noted other minor informalities in various claims and revise them for clarity and consistency with other claims. In particular, for consistency and proper antecedent support, "analytical device" is changed to --device-- in the preamble of claims 4-8, 10-20, and 22-23. Additionally, to provide proper antecedent support for claim 25, claim 25 is amended.

II. Pending Claims Defines Patentable Subject Matter

In the Office Action, claims 1-9, 11-16, and 19-28 (presumably claims 1-28 in view of the detailed comments) are rejected under 35 U.S.C. §103(a) over European Patent Publication No. EP 0 695 941 A2 to Besemer in view of U.S. Patent No. 5,300,457 to Schiltz et al. ("Schiltz"). This rejection is respectfully traversed.

To advance prosecution, independent claims 1 and 2 are each amended to incorporate the feature of canceled claim 21, including that the attachment means includes flexible means at the level of the window (alternatively stated, in claim 1, as being at the level of the peripheral strip) that exert a pressure on the transverse strip of the biochip. This feature is supported, for example, by paragraphs [0031]-[0034] and [0063]-[0066] of Applicants' Substitute Specification and FIGS. 5-6. This feature facilitates positioning or maintaining of the chip prior to, for example, applying an adhesive. Because the chips are positioned or maintained at the transverse sides, the integrity of active face 3 can be maintained without damage.

New claim 29 is also added in place of canceled claim 21. Claim 29 corresponds to original claim 22, but depends on claim 2. Because claim 2 is allowable for at least the reasons claim 1 is allowable, claim 29 does not raise any new issues.

As discussed during the June 6 personal interview, neither Besemer nor Schiltz teach or suggest such a flexible means feature. Besemer positions its chip on a bottom of element 2705 (FIG. 27B) and has no window as recited in claim 2. Moreover, Besemer has no structure that corresponds to a flexible means at the level of a window through which the chip is attached (e.g., in line with the peripheral sides of the chip).

Schiltz fails to overcome the deficiencies of Besemer. Even if the housings 2a-2n are considered windows through which the chips are positioned, all that is at the level of the window (e.g., in line with the peripheral sides of the chip) is sealing material 9. This does not flexibly exert a pressure on the chip to hold it in place during positioning. Instead, Schiltz relies on the need for adhesive film 6 for positioning. However, film 6 is below the peripheral sides of the chip and below the window defined by housings 2a, 2n. Moreover, because Schiltz applies the film 6 to the bottom side of the chip, this side may become damaged due to the adhesive, even if the adhesive film is ultimately removed. Thus, both Besemer and Schiltz position the chip by supporting it at the bottom.

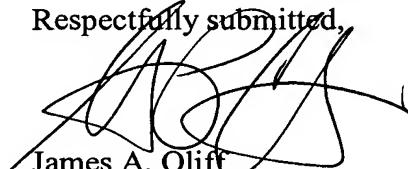
Accordingly, independent claims 1 and 2 define over the applied references and contain patentable subject matter. Dependent claims 3-20 and 22-29 are deemed allowable for their dependence on allowable base claims and for the additional features recited therein. In particular, as discussed during the June 6 personal interview, the means for allowing a surplus of adhesive from overflowing as recited in dependent claims 8-9 is also not taught in Besemer or Schiltz. This feature is supported by, for example, FIGS. 3-6 and the beveled or stepped structures on the sidewall of the window at the level of the peripheral sides of the biochip.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 and 22-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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